

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**CLINGMAN & HANGER §  
MANAGEMENT ASSOCIATES, §  
LLC, as Trustee of the Furie §  
Litigation Trust, §  
*Plaintiff,* §**

**v. §**

**KAY RIECK; LARS §  
DEGENHARDT; THEODOR VAN §  
STEPHOUDT; DAVID HRYCK, §  
REED SMITH LLP; THOMAS E. §  
HORD; MICHAEL ANTHONY §  
NUNES; STONE PIGMAN §  
WALTHER WITTMAN LLC, in its §  
own capacity and as successor by §  
merger to COGAN & PARTNERS §  
LLP; DAVID ELDER; BRUCE §  
GANER; SIERRA PINE §  
RESOURCES INTERNATIONAL, §  
INC.; and HELENA ENERGY, LLC, §  
*Defendants.* §**

**Civil Action No. 4:21-cv-02698**

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**KAY RIECK’S AND HELENA ENERGY, LLC’S UNOPPOSED MOTION TO EXTEND  
TIME TO FILE AN ANSWER TO PLAINTIFF’S SECOND AMENDED COMPLAINT**

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**TO THE HONORABLE CHARLES R. ESKRIDGE III:**

Defendants, Kay Rieck and Helena Energy, LLC, respectfully requests a one-week extension of time—to Thursday, May 9, 2024—to file an answer to Plaintiff’s Second Amended Complaint (ECF no. 288).

On March 22, 2024, the Court granted Plaintiff's motion for leave to file a second amended complaint (ECF no. 286). On April 18, 2024, Plaintiff filed its Second Amended Complaint (ECF no. 288). Pursuant to Fed. R. Civ. P. 15(a), the 14-day deadline for filing an answer to an amended complaint is May 2, 2024.

Due to the workload of the undersigned attorneys, additional time is necessary in order to work with Rieck and Helena to prepare an accurate answer. Defendants do not intend to file a motion under Rule 12(b) in response to Plaintiff's Second Amended Complaint. A one-week extension of time should not cause any delay in the parties' preparation for any upcoming deadline in the Third Amended Scheduling Order (ECF no. 270).

The undersigned counsel has conferred with Plaintiff's counsel, Robert Corn, who is unopposed to an extension of time to file an amended answer but is opposed to the filing of a motion under Rule 12(b)(6).

WHEREFORE, premises considered, Kay Rieck and Helena Energy, LLC respectfully request that the Court extend the time for them to file an answer to Plaintiff's Second Amended Complaint to Thursday, May 9, 2024.

Respectfully Submitted,

PENDERGRAFT & SIMON, LLP

/s/ William P. Haddock

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*Counsel for Kay Rieck and  
Helena Energy, LLC*

### **Certificate of Conference**

I hereby certify that prior to filing the above Kay Rieck's and Helena Energy, LLC's Unopposed Motion to Extend Time to file an Answer to Plaintiff's Second Amended Complaint, the undersigned conferred with opposing counsel in an effort to resolve the disputed issues without seeking relief from the Court as follows:

On April 30, 2024, the undersigned discussed a one-week extension of time with Robert Corn. He stated Plaintiff is unopposed to an extension of time to file an amended answer but would be opposed to an extension of time to file a motion to dismiss under Rule 12(b). On May 1, 2024, Mr. Corn confirmed that he was unopposed to a draft of this Motion that was e-mailed to him prior to its filing.

/s/ William P. Haddock  
William P. Haddock

### Certificate of Service

I hereby certify that a true and correct copy of the above Kay Rieck's and Helena Energy, LLC's Unopposed Motion to Extend Time to file an Answer to Plaintiff's Second Amended Complaint has been served on the following counsel/parties of record in accordance with Fed. R. Civ. P. 5 and local rules for electronic filing and service on this 1st day of May, 2024:

Service via CM/ECF –

Robert M Corn, Counsel for Plaintiff  
Ayesha Najam, Counsel for David Hryck and Theodor Van Stephoudt  
Barrett H Reasoner, Counsel for David Hryck and Theodor Van Stephoudt  
Caitlyn Grace Cowan, Counsel for David Hryck and Theodor Van Stephoudt  
Benjamin David Betner, Counsel for Reed Smith, LLP  
Bennett Rawicki, Counsel for Reed Smith, LLP  
Collin Joe Cox, Counsel for Reed Smith, LLP  
Johanna Esther Smith, Counsel for Reed Smith, LLP  
Kevin Rosen, Counsel for Reed Smith, LLP  
Shannon Mader, Counsel for Reed Smith, LLP  
George M Kryder, III, Counsel for Stone, Pigman, Walther, Wittman, LLC  
J Marcus Hilll, Counsel for Thomas Hord  
Kendall Kelly Hayden, Counsel for David Elder  
Murray J Fogler, Counsel for Michael Anthony Nunes  
Timothy A Rothberg, Counsel for Bruce Ganer & Sierra Pine Resources International, Inc.

/s/ William P. Haddock  
William P. Haddock